IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3065 OF 2007

Pradeep Shivajirao Shinde ...Applicant

V/s.

The State of Maharashtra ...Respondent

Shri.A.P. Mundargi i/b. Shri.Pradip Shingate for the Applicant.
Shri.S.S. Pednekar APP for the State.

CORAM : V.M. KANADE, J.

DATED : 14th DECEMBER, 2007.

P.C.:

1. Heard learned counsel for the Applicant and learned APP for the State.

2. This is an application for bail filed by the Applicant/Original Accused No.2 who was arrested in March, 2005 in connection with offence which was registered by the Mhaswad Police Station for the offences punishable U/s.408, 409, 420, 467, 468, 472, 477-A, 120-B, 411, 414 of IPC. He preferred application for bail in this Court. However, his application was rejected by an order dated 28th February, 2006. Thereafter, another application was filed by the Applicant before then the Hon'ble Chief Justice Kshitij R. Vyas. This application was

also rejected by order dated 14th July, 2006. However, trial was expedited by the said order. Applicant also preferred SLP in the Apex Court and SLP was also dismissed.

3. Learned counsel for the Applicant submitted that only point which was urged before this Court was delay which has been caused in tendering police papers, chargesheet and subsequent supplementary chargesheet to the Applicant. He submitted that the trial was not likely to commence in the near future. In view of the fact that even charge has not been framed, this Court by order dated 30th October, 2007(Coram: V.C. Daga, J) was pleased to pass following order:-

> "1. Heard.
>
> 2. Registrar General of this Court is directed to take explanation of learned Additional Sessions Judge, Karad as to why pursuant to the order of this Court dated 12.10.2007 report has yet not been forwarded by him to this Court.
>
> 3. Registry is directed to communicate this order, telephonically or by fax, to the learned Additional Sessions Judge, Karad.
>
> 4. Stand over to 20.11.2007."

4. Thereafter, a report has been submitted by the Chief Judicial Magistrate, Satara wherein it is stated that the prosecution has failed to supply chargesheet, supplementary police papers to the Applicant and as a result, charge could not be framed. It appears that only allegation against the Applicant is that he was a co-conspirator alongwith Accused No.1 that certain amounts were misappropriated by both the Accused. Admittedly, other accused has been released on bail. Under these circumstances, since the trial has not commenced and is not likely to commence in the near future and, in my view, taking into consideration provisions of Section 436(A) of Cr.P.C. under-trial prisoner cannot be kept in jail indefinitely, Applicant is liable to be released on bail.

5. Applicant be released on bail in the sum of Rs.25,000/- with one or two sureties in the like amount. Applicant shall, however, report to the Mhasvad Police Station once in a week.

. Application is disposed of accordingly.

V.M. KANADE, J.